IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13112 of 2000
with
Civil Application No. 12069 of 2001 and
Civil Application No. 11810 of 2001
in
Special Civil Application No. 13112 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SURENDRANAGAR JILLA MAJDOOR SANGH

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 13112 of 2000
MRS DT SHAH for Petitioners No. 1-2
Mr. H.D. Dave, AGP for Respondents No. 1,4
NOTICE SERVED for Respondents No. 2,5
MR HS MUNSHAW for Respondent No. 3

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 18/02/2002

ORAL JUDGEMENT

Heard learned advocate Mrs. D.T.Shah for the petitioner, Mr. H.S. Munshaw for the panchayat authorities and Mr. H.D. Dave, learned AGP for the State authorities. In this petition, the petitioner has raised the grievance that the award made by the Industrial Tribunal Rajkot in Reference (IT) No. 912 of 1984 and 342 of 1985 dated 24th November, 1993 has not been implemented by the respondents no. 2 and 3. Mrs. Shah has submitted that this award was challenged by the Surendranagar District Panchayat before this Court by filing special civil application and then by filing letters patent appeal and the appeal has also been dismissed and, therefore, the award has become final and the same is required to be implemented by the respondent No. 2 and 3. Present petition has been filed with a grievance about the non implementation of the award. Mrs. Shah has submitted that the authority concerned is not taking any action though complaint has been filed for taking action under section 29 of the Industrial Disputes Act, 1947.

In this petition, rule has been issued by this Court on 7th September, 2001 and some interim directions have been issued by directing the State Government to take appropriate decision for implementation of the award in question. By order dated 7th September, 2001, the respondent No.1 has been directed to take immediate decision to regularize the services of the concerned workmen. Learned advocate Mrs. Shah has submitted that till this date, the award in question has not been implemented by the panchayat authorities. In view of these facts, learned advocate Mr. Munshaw appearing for the panchayat authorities has submitted that earlier, this court has directed to implement the award in question on or before 30th October, 2001 and, therefore, they have filed civil application no. 11810 of 2001 for extension of time to implement the award in question. He has, therefore, prayed for granting some further period for implementing the award in question.

In view of these facts, it is directed to the respondents no. 2 and 3 to implement the award made by the Industrial Tribunal, Rajkot dated 24th November, 1993 in Reference (IT) No. 912 of 1984, 913 of 1984 and 343 of 1985 within two months from the date of receipt of copy of this order without fail, otherwise, necessary action will be taken by this Court against the concerned

respondents. It is also directed to the State authorities to cooperate with the proposal from the panchayat authorities for implementation of the award in question.

With these observations and directions, this petition is disposed of. Rule is discharged. No order as to costs.

In view of the order passed in the main matter, Civil Application No. 12069 of 2001 as well as civil application no. 11810 of 2001 shall not survive. Same are, therefore, disposed of accordingly with no order as to costs.

Dt.18.2.2002 (H.K. Rathod,J.)

#Vyas#